

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

IAN DALGLEISH

DEFENDANTS

Home Depot U.S.A., Inc. (misnamed, Home Depot, Inc.)

(b) County of Residence of First Listed Plaintiff Philadelphia County (PA)
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Cobb (GA)
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
W. Charles Sipio, Esquire, KOLMAN ELY, P.C., 414 Hulmeville Ave.,
Pennel, PA 19047, (215) 750-3134

Attorneys (If Known)
Kenneth M. Dubrow, Esquire, The Chartwell Law Offices, LLP, One
Logan Square, 130 N. 18th Street, Phila., PA 19103, (215) 972-7006

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☒ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. 1332(a) and 1446(b) Diversity

Brief description of cause:
Defamation and negligent hiring

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
50,000.00 (in excess)

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/16/2015

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

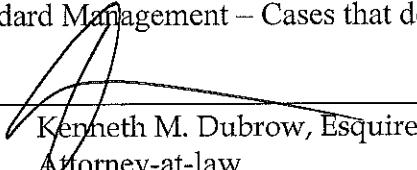
CASE MANAGEMENT TRACK DESIGNATION FORM

IAN DALGLEISH	:	CIVIL ACTION
	:	
v.	:	NO. 15-CV-
	:	
HOME DEPOT, INC.	:	

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>11/16/15</u>	 Kenneth M. Dubrow, Esquire	<u>Home Depot U.S.A., Inc. (misnamed,</u> <u>Home Depot, Inc.)</u>
Date	Attorney-at-law	Attorney for DEFENDANT,

<u>215-972-7006</u>	<u>215-972-7008</u>	<u>kdubrow@chartwellllaw.com</u>
Telephone	FAX Number	E-Mail Address

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 3576 Church Hill Lane, Philadelphia, PA 19144

Address of Defendant: 2455 W. Paces Ferry Rd., Atlanta, GA 30339

Place of Accident, Incident or Transaction: 1336 Bristol Pike, Bensalem, PA 19020

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes, No X

Does this case involve multidistrict litigation possibilities?

Yes, No X

RELATED CASE, IF ANY:

Case Number: Judge: Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes, No X

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes No X

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes, No X

Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes, No X

CIVIL: (Place in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All other Federal Question Cases

(Please specify)

B. Diversity Jurisdiction Cases:

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. ☒ Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Premises Liability)
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs; Relief other than monetary damages is sought.

DATE:

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 11/16/15

KENNETH M. DUBROW, ESQUIRE

34665

Attorney I.D.#

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IAN DALGLEISH	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	NO. 15-CV-
	:	
HOME DEPOT, INC.	:	
	:	
Defendant.	:	

NOTICE FOR REMOVAL OF ACTION PURSUANT TO 28 U.S.C. §1441

Defendant, Home Depot U.S.A., Inc. (misnamed above, Home Depot, Inc.) ("Home Depot"), hereby submits notice to the United States District Court for the Eastern District of Pennsylvania for the removal of the above entitled action to this Court and, in support thereof, respectfully represents:

1. Home Depot is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business located in the State of Georgia.
2. Upon information, knowledge and belief, Plaintiff, Ian Dalglish, is an adult individual and is a citizen and resident of the Commonwealth of Pennsylvania, residing at 3576 Church Hill Lane, Philadelphia, Pennsylvania 19144, and is domiciled at that address.
3. At all times material hereto, Home Depot was duly registered to do, and was doing, business in the Commonwealth of Pennsylvania.
4. On January 10, 2014, Plaintiff instituted the above action, by way of Summons, a copy of which is attached hereto as Exhibit "A," in the Pennsylvania Court of Common Pleas, Bucks County, as of Docket No. 2014-00202. Therein, Plaintiff named both Home Depot and Eric Barlow ("Barlow") as defendants.

5. Plaintiff filed this matter as a major non-jury case seeking damages “outside the arbitration limits”, in excess of \$50,000.00, exclusive of interest and costs, for Bucks County, Pennsylvania.

6. On or about October 23, 2015, Plaintiff filed his Complaint (the “Complaint”), a copy of which is attached hereto as Exhibit “B,” charging Home Depot, alone, with defamation and negligent hiring arising from alleged false allegations of criminal wrongdoing lodged against Plaintiff by Home Depot. Barlow is not named as a defendant in the Complaint; there are no individual allegations against Barlow in the Complaint.

7. The Complaint also seeks damages in excess of \$50,000.00, exclusive of interest and costs, the sum representing the arbitration limits of Bucks County.

8. On November 6, 2015, Home Depot’s co-counsel, Darren L. Harrison, Esquire (“Harrison”), spoke with Plaintiff’s counsel, W. Charles Sipio, Esquire (“Sipio”), during which Sipio confirmed Plaintiff valued his claim in excess of \$75,000.00, exclusive of interest and costs, thereby establishing the monetary threshold for diversity of citizenship jurisdiction under 28 U.S.C. § 1332(a).

9. Per letter dated November 6, 2015, a copy of which is attached hereto as Exhibit “C,” Harrison confirmed Sipio’s valuation of Plaintiff’s claim in an amount in excess of \$75,000.00, exclusive of interest and costs, and advised Sipio that Home Depot would be removing the case to federal court.

10. Diversity of citizenship exists between Plaintiff, a citizen, resident and domiciliary of the Commonwealth of Pennsylvania, and Home Depot, a corporation organized and existing under the laws of the State of Delaware and having its principal place of business in the State of Georgia.

11. The said diversity of citizenship existed at the time the action sought to be

removed was commenced by Complaint, and continues to the time of the filing of this Notice. Therefore, as to said claim and cause of action, Home Depot is entitled to removal pursuant to 28 U.S.C. §1441, et seq.

12. This Notice of Removal is timely under 28 U.S.C. §1446(b) as it is being filed within thirty (30) days after receipt by Home Depot of the Complaint.

WHEREFORE, the above action now pending against Defendant, Home Depot U.S.A., Inc., (misnamed above, Home Depot, Inc.), in the Pennsylvania Court of Common Pleas, Bucks County, is removed therefrom to this Honorable Court.

Respectfully submitted,

THE CHARTWELL LAW OFFICES, LLP

BY: 

KENNETH M. DUBROW, ESQUIRE

Identification No. 34665

130 No. 18th Street, 26th Floor

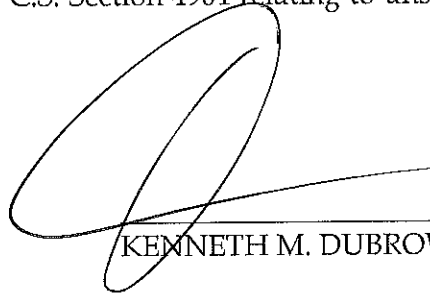
Philadelphia, PA 19103

(215) 972-7006

Attorneys for Defendant,
Home Depot U.S.A., Inc.

VERIFICATION

I, KENNETH M. DUBROW, ESQUIRE, hereby verify that I am counsel for Defendant, Home Depot U.S.A. ("Home Depot"); that I have read the foregoing Notice of Removal and know the contents thereof; that I am authorized to make this Verification on behalf of Home Depot; and that the facts alleged in the Notice of Removal are true and correct to the best of my knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

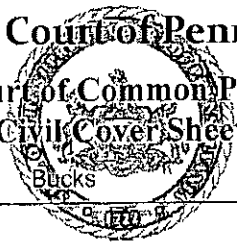


KENNETH M. DUBROW, ESQUIRE

Date: 11/16/15

EXHIBIT A

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

County

For Prothonotary Use Only

Docket No:

Case Number: 2014-00202
 Receipt: 2014-37-00132
 Code: 110
 Patricia Bachtle - Bucks Co Prothonotary
 609 1/10/2014 2:50:46 PM

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☐ Complaint ☒ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

Ian Dalgleish

Lead Defendant's Name:

The Home Depot

Are money damages requested? ☒ Yes ☐ NoDollar Amount Requested: ☐ within arbitration limits
(check one) ☒ outside arbitration limitsIs this a Class Action Suit? ☐ Yes ☒ NoIs this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Timothy M. Kolman, Esquire

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the **ONE** case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☒ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/Defamation
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

- ☐ Employment Dispute:
 Discrimination
☐ Employment Dispute: Other

☐ Other:**REAL PROPERTY**

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

- ☐ Zoning Board
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
☐ Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

IN THE COURT OF COMMON PLEAS OF
BUCKS COUNTY, PENNSYLVANIA
CIVIL DIVISION

IAN DALGLEISH
3576 Church Hill Lane
Philadelphia, PA 19144

Plaintiff,

vs.

THE HOME DEPOT, INC.
1336 Bristol Pike
Bensalem, PA 19020


-and-

ERIC BARLOW
13451 Stevens Road
Philadelphia, PA 19116

Defendants.

FILE NO. _____

CIVIL ACTION _____


Case Number: 2014-00202 0
Receipt: 2014-37-00132 Judge: 25
Code: 110 Filing: 10442044
Patricia Bachtle - Bucks Co Prothonotary
809 1/10/2014 2:50:46 PM

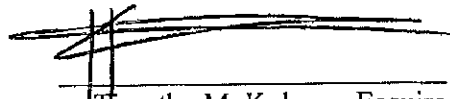
PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue a Writ of Summons in the above-captioned matter.

2 Writ(s) of Summons shall be issued and forwarded to Attorney/Sheriff.

KOLMAN ELY, P.C.

A handwritten signature in black ink, appearing to read 'Timothy M. Kolman', is written over a horizontal line.

Timothy M. Kolman, Esquire
W. Charles Sipio, Esquire
Attorney ID #: 51982, 314352
414 Hulmeville Avenue
Pennel, PA 19047
(T) 215-750-3134 / (F) 215-750-3138

DATED: January 10, 2014

IN THE COURT OF COMMON PLEAS OF
BUCKS COUNTY, PENNSYLVANIA
CIVIL DIVISION

IAN DALGLEISH
3576 Church Hill Lane
Philadelphia, PA 19144

Plaintiff,


vs.

THE HOME DEPOT, INC.
1336 Bristol Pike
Bensalem, PA 19020

-and-

ERIC BARLOW
13451 Stevens Road
Philadelphia, PA 19116

Defendants.


Case Number: 2014-00202 0
Receipt: 2014-37-00132 Judge: 25
Code: 110 Filing: 10442044
Patricia Bachtle - Bucks Co Prothonotary
B09 1/10/2014 2:50:46 PM

FILE NO. _____

CIVIL ACTION _____

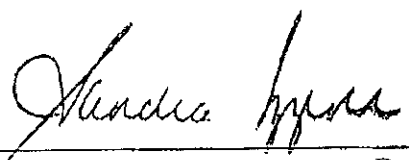
SUMMONS IN CIVIL ACTION

TO: THE HOME DEPOT, INC.

YOU ARE NOTIFIED THAT THE ABOVE-NAMED PLAINTIFF(S) HAS COMMENCED
AN ACTION AGAINST YOU.

PATRICIA L. BACHTLE,
PROTHONOTARY

Date: 1-10-14

By: 
Deputy

SEAL OF THE COURT

IN THE COURT OF COMMON PLEAS OF
BUCKS COUNTY, PENNSYLVANIA
CIVIL DIVISION

IAN DALGLEISH
3576 Church Hill Lane
Philadelphia, PA 19144

Plaintiff,

vs.

THE HOME DEPOT, INC.
1336 Bristol Pike
Bensalem, PA 19020

-and-

ERIC BARLOW
13451 Stevens Road
Philadelphia, PA 19116

Defendants.

FILE NO. 2014-202

CIVIL ACTION _____

SUMMONS IN CIVIL ACTION

TO: ERIC BARLOW

YOU ARE NOTIFIED THAT THE ABOVE-NAMED PLAINTIFF(S) HAS COMMENCED
AN ACTION AGAINST YOU.

PATRICIA L. BACHTLE,

PROTHONOTARY

Date: 1-10-14

By: 

Deputy

SEAL OF THE COURT

EXHIBIT B

2015-10-25 02:12 4103PR 2156338270

2156338270 >>

YYYY

P 1/9

KOLMAN ELY, P.C.

By: W. Charles Sipio, Esquire
Timothy M. Kolman, Esquire
Wayne A. Ely, Esquire
W. Charles Sipio, Esquire
Attorney ID #: 51982, 69670, 314352
414 Hulmeville Avenue
Pennel, PA 19047
(T) 215-750-3134 / (F) 215-750-3138

Attorneys for Plaintiff

**IN THE COURT OF COMMON PLEAS
OF BUCKS COUNTY
CIVIL DIVISION**

IAN DALGLEISH

Plaintiff

vs.

HOME DEPOT, INC.

Defendant.

NO. 2014-00202

CIVIL ACTION

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages you must take action within twenty (20) days after this complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. **YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER.**

2015-10-25 02:13 4103PR 2156338270

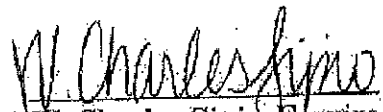
2156338270 >>

YYYY

P 2/9

AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE GO
TO OR TELEPHONE THE OFFICES SET FORTH BELOW TO FIND OUT
WHERE YOU CAN GET LEGAL HELP.

Bucks County Bar Association
135 East State Street
Doylestown, PA 18901
Phone (215) 448-9413, 1-800-479-8585
www.bucksbar.org
PA Bar Association: www.pabar.org


W. Charles Sipio, Esquire
Attorney ID #: 314352

Attorney for Plaintiff

2015-10-25 02:13 4103PR 2156338270

2156338270 >>

YYYY

P 3/9

KOLMAN ELY, P.C.

By: W. Charles Sipio, Esquire

Timothy M. Kolman, Esquire

Wayne A. Ely, Esquire

W. Charles Sipio, Esquire

Attorney ID #: 51982, 60870, 814352

414 Hulmeville Avenue

Pennel, PA 19047

(T) 215-750-3134 / (F) 215-750-3138

Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS
OF BUCKS COUNTY
CIVIL DIVISION

IAN DAUGLEISH

Plaintiff,

vs.

NO. 2014-00202

CIVIL ACTION

HOME DEPOT, INC.

1836 Bristol Pike

Bensalem, PA 19020

Defendant.

COMPLAINT

Plaintiff, by and through her undersigned counsel, hereby files the following

Complaint against Defendant:

INTRODUCTION

1. Plaintiff has initiated the instant action to recover damages against the Defendant.

2015-10-25 02:13 4103PR 2156338270

2156338270 >>

yyyy

P 4/9

PARTIES

2. The averments of the foregoing paragraphs are hereby incorporated by reference as if set forth fully herein.
3. Ian Dagleish ("Plaintiff") is an adult and citizen of the Commonwealth residing at the above-captioned address.
4. Defendant Home Depot, Inc. ("Defendant") is believed and therefore averred to be incorporated pursuant the laws of the Commonwealth of Pennsylvania with a principal place of business at the above-captioned address.
5. At all times relevant herein, Defendants acted or failed to act through its agents, executives, directors, officers, servants and/or employees, acting under the control of and for the benefit of Defendants and within the course and scope of their authority, agency and/or employment.

VENUE

6. The averments of the foregoing paragraphs are hereby incorporated by reference as if set forth fully herein.
7. Venue is properly laid in the County of Bucks pursuant to Rule 2179(a)(2) of the Pennsylvania Rules of Civil Procedure because the Defendant regularly conducts business in this county.

FACTUAL BACKGROUND

8. The averments of the foregoing paragraphs are hereby incorporated by reference as if set forth fully herein.

2015-10-25 02:14 4103PR 2156338270

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9. On or about January 15, 2013 at approximately 9:00 PM, the Bensalem Police Department responded to the Home Depot store located on Bristol Pike in Bensalem Township, Pennsylvania.
10. Upon arrival, Officer Gregory DiPaolo met with Defendant's security officer, Eric Barlow.
11. Barlow told DiPaolo that he was "made aware" of an employee theft that occurred on or about January 8, 2013 at the Bensalem location.
12. Barlow viewed a video from a closed-circuit television and identified Plaintiff as an individual who was involved in a theft from the store.
13. Specifically, in the video, Barlow identified an unknown African-American black male acting in a "suspicious manner."
14. The African-American was loading a cart in the "tool coral", which is believed to be the area where the Bensalem location sold tools.
15. Barlow further identified Plaintiff as meeting with the African-American male, having a conversation with him and escorting the African American male out of the tool department.
16. Barlow further identified Plaintiff as watching the African-American leaving the store through the contractor's entrance without paying.
17. Barlow further identified Plaintiff as aiding another African American male engaging in similar activity.
18. Following these false accusations against Plaintiff, an arrest warrant was issued for Plaintiff wherein he was charged in the Court of Common Pleas

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of Bucks County, Pennsylvania with retail theft and criminal conspiracy at Docket No. CP-09-CR-0001664-2013.

19. The charges were without merit and were *nolle prossed* on or about August 21, 2013.
20. Defendant, in allowing Barlow to falsely accuse Plaintiff of a crime, is liable for damages to him.

**COUNT I
DEFAMATION**

21. The averments of the foregoing paragraphs are hereby incorporated by reference as if set forth fully herein.
22. By making a false criminal accusation against Plaintiff, Defendant is liable to Plaintiff through its agent Barlow for defamation under Pennsylvania law.
23. Plaintiff has suffered damages as set forth herein.

WHEREFORE, Plaintiff respectfully requests this Court enter judgment in her favor and against Defendants for damages in excess of fifty thousand dollars ("\$50,000.00") and enter any and all other relief it deems to be just and proper.

**COUNT II
NEGLIGENT HIRING**

24. The averments of the foregoing paragraphs are hereby incorporated by reference as if set forth fully herein.
25. It has long been the law in the Commonwealth that an employer may be liable in negligence if it knew or should have known that an

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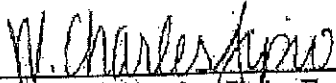
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employee was dangerous, careless or incompetent and such employment might create a situation where the employee's conduct would harm a third person.

26. Defendant is liable for negligently hiring / employing Barlow insofar as he caused injury to the Plaintiff.
27. Defendant breached its duty to protect Plaintiff against a risk of harm.
28. At all times relevant hereto, the actions taken by Barlow were reasonably foreseeable under the circumstances of the case.
29. Plaintiff has suffered damages as set forth herein.

WHEREFORE, Plaintiff respectfully requests this Court enter judgment in her favor and against Defendants for damages in excess of fifty thousand dollars ("\$50,000.00") and enter any and all other relief it deems to be just and proper.

Respectfully submitted,


W. Charles Sipio, Esquire
Attorney ID #: 814352

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VERIFICATION

I, Ian Dalgleish, verify that the statements made in the attached Complaint are true and correct to the best of my knowledge, information, and belief, and that this verification is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities.


IAN DALGLEISH

Dated: 10-22-2015

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KOLMAN ELY, P.C.

By: W. Charles Sipio, Esquire

Timothy M. Kolman, Esquire

Wayne A. Ely, Esquire

W. Charles Sipio, Esquire

Attorney ID #: 61982, 69670, 314852

414 Hulmeville Avenue

Penn del, PA 19047

(T) 215-750-3184 / (F) 215-750-3188

Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS
OF BUCKS COUNTY
CIVIL DIVISION

IAN DALGLEISH

Plaintiff,

vs.

HOME DEPOT, INC.

Defendant.

NO. 2014-00202

CIVIL ACTION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Complaint was served
upon the following via First-Class Mail and, the same of which satisfies
Pa.R.Civ.P. 440 insofar as Defendant has already been served with original process:

Home Depot, Inc.
1836 Bristol Pike
Bensalem, PA 19020

Defendant

Dated:

10/22/15

W. Charles Sipio
W. Charles Sipio, Esquire

EXHIBIT C

THE *CHARTWELL*
LAW OFFICES, LLP

DARREN L. HARRISON, ESQUIRE
Direct Dial: (215) 972-5420
dharrison@chartwelllaw.com

Reply To: Philadelphia Office
One Logan Square
130 No. 18th Street, 26th Floor
Philadelphia, PA 19103
Phone: (215) 972-7006
Facsimile: (215) 972-7008

November 6, 2015

Via E-Mail

W. Charles Sipio, Esquire
Kolman Ely P.C.
414 Hulmeville Avenue
Perndel, PA 19047

Re: Ian Dalglish v. Home Depot, Inc.
CCP Bucks Cty; No. 2014-00202

Dear Mr. Sipio:

In furtherance of today's telephone conversation, we reviewed the Complaint filed in this matter and note that it does not identify a jury demand, but seeks damages in excess of the arbitration limit. As you have advised that Plaintiff values his claim in excess of \$75,000, exclusive of interest and costs, we will be removing the matter to federal court. However, since the Complaint, in and of itself, does not include a jury demand, we will file a jury demand once the matter is removed, unless you prefer to do so. Please advise us accordingly.

Following removal, the Court will send you a letter advising you that damages are presumed to be less than \$150,000, unless you, as Plaintiff's counsel, execute and file with the Court a certification that the damages claimed exceed \$150,000, thereby warranting a jury trial.

Thank you for your attention herein.

Very truly yours,



DARREN L. HARRISON

DLH/
9222.0053047 (Dalglish)/Ltr to Sipio 11.06.15

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IAN DALGLEISH	:	CIVIL ACTION
	:	
v.	:	NO. 15-CV-
	:	
HOME DEPOT, INC.	:	

CERTIFICATE OF SERVICE

I hereby certify that on the date listed below a true and correct copy of the Notice for Removal of Action pursuant to 28 U.S.C. §1441 filed by Defendant, properly named, Home Depot U.S.A., Inc., was served upon the following by United States first class mail, postage pre-paid, addressed as follows:

W. Charles Sipio, Esquire
Koleman Ely, P.C.
414 Hulmeville Avenue
Penndel, PA 19047

Dated: 11/16/15

THE CHARTWELL LAW OFFICES, LLP

BY: 

KENNETH M. DUBROW, ESQUIRE
Attorneys for Defendant,
Home Depot U.S.A., Inc.